sluice-gates whereby the ice was destroyed. The plaintiff sues for the destruction of the ice. *Held,* the plaintiff being the owner of the land under the pond had the right to harvest and sell the ice formed on the pond subject to the defendant's right to the reasonable use of the water; and as the act complained of was not reasonable the defendant was liable. *Taft* v. *Bridgeton Worsted Co.* (Mass., 1921), 130 N. E. 48.

The overwhelming weight of authority is in accord with the principal case to the effect that the owner of the bed of the mill-pond has, as an incident to that ownership, the right to cut the ice thereon, whenever the exercise of that right does not materially diminish the head of water to the detriment of the mill-owner. *Stevens* v. *Kelley* (1886), 78 Me. 445; *Eidmiller Ice Co.* v. *Guthrie* (1894), 42 Neb. 238; *Bigelow* v. *Shaw* (1887), 65 Mich. 341. In *Myer* v. *Whittaker* (1878), 55 How. Pr. (N. Y.) 376, an inferior court held that the one entitled to the flowage rights owned the ice. It is apparent from the opinion therein that the court considered that this right of flowage was for all purposes absolutely and did not consider the right of flowage as being limited to all purposes necessary to operate the mill. The court in *Myer* v. *Whittaker, supra,* relied upon *Mill River Woolen Mfg. Co.* v. *Smith* (1867), 34 Conn. 462, as supporting their holding. A later Connecticut court however cited the same case as an authority for the view that title to the ice was in the riparian proprietors. *Howe* v. *Andrews* (1892), 62 Conn. 398. The whole matter seems to resolve itself into one question: what was the scope of the easement granted to the mill-owner? If the right of flowage was for all purposes necessary for the operation of the mill the right of the mill proprietor is qualified; and the owner of the soil may harvest and sell the ice so long as the mill-owner is not materially interfered with in the operation of his plant. But on the other hand if the right given is for all purposes, the mill-owner gets an absolute interest in the water subject only to the rights of riparian proprietors *below* and could therefore, harvest the ice.

EJECTMENT—RIGHT OF VENDEE OF EXECUTORY LAND CONTRACT ENTITLED TO POSSESSION—VENDOR AND PURCHASER.—P., the vendee in an executory land contract, was ousted by D., the vendor, although not in default. P. brought ejectment. *Held,* equitable ownership with right to possession is sufficient to maintain ejectment. *Kingsworth* v. *Baker,* 213 Mich. 294.

The principal case seems to be a departure both from the rules of the common law requiring the legal title in the plaintiff to support the action, (*Langdon* v. *Sherwood,* 124 U. S. 74; see note in 18 L. R. A. 781), and also from the former Michigan cases such as *Harrett* v. *Kinney,* 44 Mich. 457; *Roman* v. *Lewis,* 39 Mich. 233; and *Carpenter* v. *Ingersoll,* 43 Mich. 433; and from the *dicta* in *Geiges* v. *Greiner,* 68 Mich. 153, and *Whiting* v. *Butler,* 29 Mich. 124. It is significant that a vendee under a mere contract to convey was allowed to oust his vendor having the legal title from possession by ejectment. Even under the code abolishing the distinction between actions at law and suits in equity, this remedy has been refused. *Peck* v. *Newton,* 46 Barb (N. Y.) 173. It would seem that under the court's decision the action

of ejectment is likely to become the substitute for the suit in equity for specific performance of agreements to convey, and that a big step toward the enforcement of equitable rights in a court of law has been taken. The cases cited by the court do not sustain its decision. While the result reached in the principal case may be highly beneficial in securing a more solid legal status to contract purchasers of land, in view of the fact that such ownership has become so wide-spread, yet in the absence of a declaration of the state's policy by act of legislature the decision cannot but be regarded as judicial legislation.

ELECTIONS—STATUTES REQUIRING ELECTOR TO STATE AGE HELD VALID.—Section 4906 of the GENERAL CODE OF OHIO requires an applicant for registration as a qualified elector of a municipality to state his or her age in years and months. The relator made application for registration, stating that she was over 21 years of age, but refused to state her age in years and months. Upon the refusal of the registrars to register her she brought this application for a writ of mandamus to compel them to do so. She contends that the section of the Code above referred to is unconstitutional, in that it constitutes a denial or abridgement of the constitutional right of citizens to vote conferred by Section 1, Article V of the Constitution of Ohio as modified and controlled by the Nineteenth Amendment to the Constitution of the United States. *Held,* that the section in question was constitutional, and therefore the application for the writ was denied. *State ex rel Klein* v. *Hillenbrand* (Ohio, 1920), 130 N. E. 29.

Due to the Nineteenth Amendment to the Federal Constitution and the well known reluctance of woman to reveal her exact age the decision in the instant case is interesting, although the law involved therein is so clear and well settled that it seems startling that it could have been seriously questioned. It is no doubt true as pointed out in *Monroe et al* v. *Collins,* 17 Ohio St. 665, that statutes which entirely exclude certain persons from voting because of race or color are unconstitutional. But it is equally true that the Legislature may regulate the exercise of the right to vote and may pass statutes requiring proof of the right, consistent with the right itself. *Wood* v. *Baker,* 38 Wis. 71; *Edmonds* v. *Banbury,* 28 Iowa 267; *Capen* v. *Foster,* 12 Pick (Mass.) 485; *Cothren* v. *Lean,* 9 Wis. 279; *Southerland* v. *Norris,* 74 Md. 326. The authority of the Legislature to enact registration laws was sustained and the limits of that power were enunciated by the Ohio court in *Daggett* v. *Hudson,* 43 Ohio St. 548. So long as the statutes do not add any new qualification to the voter other than those required by the Constitution, the statutes are constitutional. See *Pope* v. *Williams,* 93 Md. 59, affirmed in 193 U. S. 621. In the instant case the statute did not unreasonably or unnecessarily restrain, impair, or impede the exercise of the right to vote conferred by Sec. 1, Art. V of the Constitution of Ohio, but rather provided a reasonable, uniform, and impartial method of regulating, facilitating, and securing the exercise of this right, and of preventing its abuse. It is submitted that if the registrars could not interrogate further than to ask the